

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALVIN R. SIMMONS, JR.,

Plaintiff,

v.

ORLANDO HARPER, Warden; RICH  
FISGERALD; and CORIZON  
HEALTH CARE,

Defendants.

)  
) Civil Action No. 2:15-cv-0875  
)

) Chief United States District Judge  
) Joy Flowers Conti  
)

**MEMORANDUM OPINION**

Conti, C.J.

This civil rights suit was commenced on July 7, 2015, with the filing of a petition to proceed *in forma pauperis* and was referred to a magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Rules 72.1.3 and 72.1.4 of the Local Rules of Court for Magistrate Judges.

The magistrate judge filed a report and recommendation on July 22, 2015 (ECF No. 3), recommended that plaintiff's motion to proceed *in forma pauperis* (ECF No. 1) be denied in accordance with 28 U.S.C. § 1915(g) and that the action be dismissed without prejudice to plaintiff reopening it by paying the full statutory and administrative filing fees, totaling \$400.00. On that same date, a copy of the report and recommendation was sent to plaintiff by First Class United States Mail at his listed address of record: Alvin R. Simmons, Jr., Beaver County Jail, 6000 Woodlawn Boulevard, Aliquippa, PA 15001. Plaintiff was advised that he had until August 10, 2015, to file written objections to the report and recommendation. No objections were received or filed by the August 10, 2015 deadline.

On August 21, 2015, Plaintiff filed a Notice of Change of Address indicating that his listed address of record should be changed to Allegheny County Jail, 950 Second Avenue, Pittsburgh, PA 15219. (ECF No. 4.) The Notice is dated August 18, 2015 and the envelope is postmarked August 19, 2015. In an abundance of caution, on August 24, 2015, the Court directed the Clerk of Court to resend a copy of the report and recommendation to Plaintiff at his new address. Plaintiff was also advised that the deadline for filing written objections had been extended to September 10, 2015.

To date, plaintiff has not filed any objections or requested an extension of time in which to do so.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation, plaintiff's motion for leave to proceed *in forma pauperis* will be denied in accordance with 28 U.S.C. § 1915(g) and this action will be dismissed without prejudice to plaintiff reopening it by paying the full statutory and administrative filing fees, totaling \$400.00. An appropriate order will be entered.

Dated: September 25, 2015

BY THE COURT:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief, United States District Judge

cc: ALVIN R. SIMMONS, JR.  
Allegheny County Jail  
DOC Number 896  
950 Second Avenue  
Pittsburgh, PA 15219  
(via U.S. Postal Mail)